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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,121	09/21/2000	Andrew Augustine Wajs	82032-0003	7786

7590

03/25/2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

EXAMINER

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,121

Applicant(s)

WAJS, ANDREW AUGUSTINE

Examiner

Brandon Hoffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-6 are pending in this office action, claim 6 is newly added.
2. Applicant's arguments, see page 7, last paragraph to page 8, first paragraph, filed March 1, 2004, with respect to the rejection(s) of claim(s) 1-5 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rothenberg (U.S. Patent No. 5,432,850) in view of Morales (U.S. Patent No. 5,392,353).

Rejections

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothenberg (U.S. Patent No. 5,432,850) in view of Morales (U.S. Patent No. 5,392,353).

Regarding claim 1, Rothenberg teaches a method for transferring data from a head-end to a number of receivers by means of a digital broadcast signal (fig. 1), each of said receivers including a descrambler for descrambling a received digital transport stream (fig. 1, ref. num 12),

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- Said method including sending a message from the head-end to each receiver to which data needs to be transferred (col. 3, lines 11-17),
 - Said message including a key unique to the respective receiver (col. 1, lines 32-44),
- Inserting said data packets into transport packets of a digital transport stream at the head-end (col. 2, lines 9-24),
- Broadcasting the digital transport stream (fig. 1, ref. num 10),
- Receiving the digital transport stream at one or more receivers (fig. 1, ref. num 14), and
- Descrambling the scrambled transport packets of the digital transport stream only at the receiver having the unique key used to scramble the scrambled transport packets (col. 3, lines 18-27).

Rothenberg does not teach:

- Loading the unique key in the descrambler of the respective receiver,
- Providing a table of unique keys with corresponding addresses of the respective receivers at the head-end,
- Providing data packets with an individual address of at least one of said receivers to the head-end,
- Selecting a key from said table in accordance with the address of the data packets, and

- Scrambling said transport packets containing the data packets using the selected key.

Morales teaches:

- Loading the unique key in the descrambler of the respective receiver (col. 4, lines 31-36),
- Providing a table of unique keys with corresponding addresses of the respective receivers at the head-end (fig 3, ref numbers 22 and 23 and col. 4, lines 51-57),
- Providing data packets with an individual address of at least one of said receivers (the Examiner believes it to be inherent that the data packets contain an individual address of at least one receiver, see col. 3, lines 56-62), and
- Scrambling said transport packets using the selected key (col. 4, lines 53-54).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine loading the unique key in the descrambler of the receiver, providing data packets with an individual address of at least one of said receivers, providing a table of unique keys at the head-end, and scrambling the transport packets using the selected key, as taught by Morales, to the method of Rothenberg. It would have been obvious to combine loading the unique key in the descrambler of the receiver, providing data packets with an individual address of at least one of said receivers, providing a table of unique keys at the head-end, and scrambling the transport packets using the selected key, as taught by Morales, to the

method of Rothenberg because the claimed features, as taught by Morales, would a) enable the receiver to have the proper descrambling key, b) properly route with data packets to the appropriate receiver, c) provide a look-up method for the head-end server to easily find a receiver and its corresponding unique key, and d) secure the data from transmission.

The combination of Rothenberg/Morales now teaches selecting a key from said table in accordance with the address of the data packets (see col. 4, lines 53-55 of Morales, retransmitting the newly encrypted signal based on a function of the SPIK, which is the key for the receiving device).

Regarding claim 2, the combination of Rothenberg/Morales teaches wherein for transferring data packets to two or more receivers, the data packets for different receivers are inserted into different transport packets (see fig. 1 of Rothenberg, it is inherent from the figure, in a Ethernet type network, that one receiver receives the data packets in a different transport packet than another receiver), each of said transport packets being scrambled with a unique key corresponding with the individual address of the corresponding data packets (see col. 4, lines 53-54 of Morales).

Regarding claim 3, the combination of Rothenberg/Morales teaches wherein each receiver is adapted to request the transfer of specific data from the head-end (see fig. 1, ref. num 14 of Rothenberg).

Regarding claim 4, the combination of Rothenberg/Morales teaches:

- Wherein the head-end and the receivers are connected to a network (see fig. 1, ref. num 10 of Rothenberg),
- Wherein one or more receivers request the transfer of data from the network (see fig. 1, ref. num 14 of Rothenberg),
- Wherein the requested data together with the address of the requesting receiver(s) is provided to the head-end in the form of data packets (see col. 4, lines 51-55 of Morales, in the combined method of Rothenberg/Morales, the control center compares the address and keys for the destination device) and
- The head-end transfers the data packets to said one or more receivers inserted in transport packets of the digital broadcast stream (the Examiner believes it to be inherent that the data packets are inserted into transport packets, see col. 2, lines 9-24 of Rothenberg).

Regarding claim 6, the combination of Rothenberg/Morales teaches wherein each receiver to which the digital broadcast signal is transferred attempts to descramble the transport stream packets of the digital transport stream (see col. 3, lines 18-27 of Rothenberg).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rothenberg (U.S. Patent No. 5,432,850) and Morales (U.S. Patent No.

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5,392,353), and further in view of Wood, D.: The DVB Project: Philosophy and Core System (hereinafter referred to as Wood).

Regarding claim 5, the combination of Rothenberg/Morales teaches all the limitations of claim 1. However, the combination of Rothenberg/Morales does not teach wherein the digital transport stream is a DVB transport stream.

Wood suggests the use of a DVB transport stream as the digital transport stream (page 109, right column, under THE DVB CORE SYSTEM).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a DVB transport stream, as taught by Wood, in the method of Rothenberg/Morales. It would have been obvious to one of ordinary skill in the art to use a DVB transport stream, as taught by Wood, in the method of Rothenberg/Morales because the DVB standard is a common way to transport audio, video, and other multimedia data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Branda Reff

BH
3/18/04

Ayaz Sheikh

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100